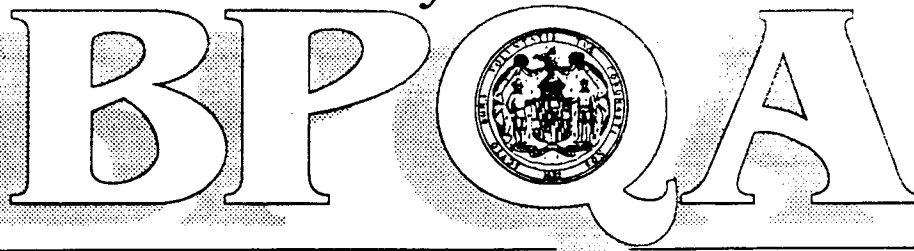


Maryland



## NEWSLETTER

### Maryland Board of Physician Quality Assurance

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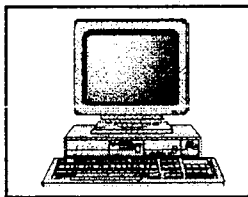
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#### INTERNET PRESCRIBING DOES IT MEET THE STANDARD OF CARE?

(We don't think so!)

With the rapid expansion of access to the internet in recent years, it is not too surprising that this wonderful tool brings a new set of issues to licensing authorities. Licensing boards across the country have been dealing with the practice of "telemedicine" and have taken positions about whether this type of practice will require full or limited licensure of physicians who utilize this technology. The issue each board has to decide is where the practice of medicine is occurring when the patient is in one state and the doctor is elsewhere in cyberspace. The Federation of State Medical Boards has taken the position that: *"The practice of medicine occurs where the patient is."* Thus, an out-of-state doctor using telemedicine to diagnose and treat a patient residing in Maryland would have to have a Maryland license or be acting as a consultant to a Maryland physician who has a bona fide doctor/patient relationship with the patient. **Maryland physicians also should remember that if they practice medicine on patients elsewhere in cyberspace they are practicing in Maryland.**



The BPQA has serious concerns about this practice. Let's say the patient wants a drug like Viagra. Is an on-line questionnaire about the patient's past medical history really a medical consultation? Does a bona fide doctor/patient relationship exist when a person, previously unknown to the consultant, provides subjective answers to such questions as: "Do you have a heart disease?" Would a physician providing prescription medications to a patient based on a questionnaire be meeting the standard of care?

In February, the Federation of State Medical Boards (FSMB) participated in a meeting sponsored by the Food and Drug Administration to discuss on-line prescribing and sale of prescription medications. The FSMB attended to convey concern on behalf of state medical boards that engaging in Internet prescribing may be falling below acceptable standards of care, and may be endangering the health of individuals for whom they are prescribing.

And now another issue has presented. Web sites have sprung up which advertise the availability of prescription medications on-line. No prescription? No problem. For a fee, an on-line consultation is available. The patient fills out a questionnaire which asks a number of health related questions. The questionnaire is submitted to the medical consultant and if the patient is approved, the patient is then assessed a fee for the consultation (generally \$75) and the desired medication is subsequently provided by mail. All one needs is a credit card and the "right" answers, and medication is speeding on its way to his or her home in a "plain naked mailer."

**The BPQA will be monitoring internet sites which advertise the availability of prescription medications after an on-line consultation. Any doctor providing the consultation or prescribing for a patient in Maryland who is not licensed in Maryland can be subject to up to a \$50,000 fine for practicing medicine without a license. Doctors licensed in Maryland can expect their on-line prescribing to be subjected to peer review. Anyone with information about on-line consultation leading to prescription medications should contact the BPQA by phone at 1-800-492-6836, or by e-mail at BPQA@EROLS.COM.**